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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/053,979 | 01/19/2002 | Nikrooz Niknamad | RSNN | 5154 |
| 7590 | 11/18/2003 | | EXAMINER | |
| ROBERT S. SMITH 1263 EMORY ST. SAN JOSE, CA 95126 | | | MAI, TRI M | |
| | | ART UNIT | PAPER NUMBER | |
| | | 3727 | | |

DATE MAILED: 11/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|-------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/053,979 | NIKNAMAD, NIKROOZ |
| | Examiner | Art Unit |
| | Tri M. Mai | 3727 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on ____.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 3-24 is/are pending in the application.

 4a) Of the above claim(s) 5-24 is/are withdrawn from consideration.

5) Claim(s) ____ is/are allowed.

6) Claim(s) 3 and 4 is/are rejected.

7) Claim(s) ____ is/are objected to.

8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

 a) All b) Some * c) None of:

- 1. Certified copies of the priority documents have been received.
- 2. Certified copies of the priority documents have been received in Application No. ____.
- 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

 * See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

 a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

| | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

1. Claims 5-24 are withdrawing from further consideration pursuant to 37 CFR 1142.
2. The proposed drawings Figs. 2A and 2B has been disapproved for containing new matter:
 - a) The original disclosure does not show the specificities of portion 24: size, location, length.
 - b) The original disclosure does not show the specificities of portion 24: size, the top protrusion.
3. In view of the disapproval of the proposed drawings, the drawings are objected under 37 CFR 1.84:

It is unclear where the cross section in Fig. 2 is taken from.

It is unclear where is the step in Fig. 2. Furthermore, it seems that portion 18 is not the same as shown in Fig. 1C.

It is unclear how the protrusion 20 is formed. The drawings are vague with respect to the formation of the step 20 (?).

It is unclear where portion 32 is in relation with the whole container.

Furthermore, the embodiment in Fig. 2 is confusing, and the examiner cannot recognize the various individual elements. Applicant is required to provide a full picture of the cup with the lid and appropriate section where Fig. 2 is taken from.

Applicant is also reminded of the standards for drawing according to 37 CFR 1.84 including the designation of proper cross sections, and clear establishment of hidden lines.

4. The specification is objected to for containing new matters with specificities to the disapproved proposed drawings.

5. Claims 3 and 4 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In view of the of the disapproved proposed drawings, it appears that the container as claimed would not be able to provide a seal along the entire length of the brim. It appears that the thickness of the strip straddling and adhered along the rim would rather exaggerate the gap between the lid and the rim of the container, even when the two side portions are feathered. See rough drawing attached.

6. In view of the 112 matters as set forth above, the allowability of claims 3-4 cannot be determined at this time.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (703)308-1038. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (703)308-2572. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

Tri M. Mai *TM*
Primary Examiner
Art Unit 3727

